

In contrast, the Roessler diaper is entirely disposable and the flushable insert is narrower and does not follow the shape of the nonflushable garment shell. . . .

In the Final Office Action the Examiner also stated the following:

Response to Arguments

Applicant's arguments filed August 1, 2005 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a nonbiodegradable textile material that is not flushable down the toilet and a flushable insert following the shape of a flushable garment shell) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See, *In re Van Geuns* 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant disagreed that the limitations argued were not found in the claims. A telephone interview was held October 12, 2004 discussing the same; the Examiner summarized the interview as follows:

Mr. Lauson provided arguments with respect to the alleged distinctions between the claimed invention and the prior art including a nonbiodegradable diaper wrap garment that is unable to be flushed down the toilet. The examiner stated that the originally filed specification provides support for a diaper wrap constructed of a textile fabric which is not inherently biodegradable and even if it were nonbiodegradable that is not inherently a property that determines whether or not something can be flushed down a toilet.

Applicant believes the Examiner is mistaken as to her assertion that biodegradability is not what controls whether an article can be flushed down the toilet, and also that textile materials are not inherently biodegradable. The dictionary defines biodegradable as “capable of being broken down esp. into innocuous products by the action of living thing (as microorganisms).” Miriam Webster’s Collegiate Dictionary 9th Ed. p. 114 (copy enclosed). Information available on the Internet from various municipalities which treat sewage state: “If it’s not biodegradable, put it in the trash can, not the toilet” (King County (Wash. State) Wastewater Treatment Division), and “Bathroom Tips . . . never flush [cotton materials] . . . or other non-biodegradable . . . products . . .” (Melborne (Australia) Water Education. See attached.

The dictionary defines textile as “cloth, esp. a woven or knit cloth.” Webster’s p. 1220 (copy attached). The patent application specification at page 3 gives the example of cotton as a textile fabric. Accordingly, the Patent Office can take judicial notice that both biodegradable products (human waste, toilet paper, etc.) can be flushed while nonbiodegradable materials (e.g. cotton textiles) cannot.

Besides the amended claims supporting Applicant’s position, the arguments are compelling in that the overall concept of the Roessler patent is significantly different from Applicant’s invention. There is no known suggestion or motivation to modify Roessler by substantially enlarging the biodegradable insert and changing the outer garment diaper material from a disposable, absorbent paper/plastic product into a cloth-like material that can be washed as necessary and repeatedly reused. The obviousness rejection under Section 103 using this single reference and supported by the Examiner’s flawed reasoning cannot stand.

No additional fees are believed owed; if any additional fees are owed the Patent Office is authorized to charge Applicant's Representative's deposit account no. 50-3116.

Respectfully submitted,

LAUSON & ASSOCIATES

By

A handwritten signature in black ink, appearing to be 'RL' with a long horizontal stroke extending to the right, positioned over a horizontal line.

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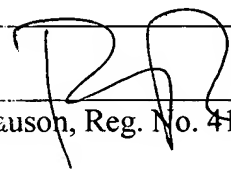
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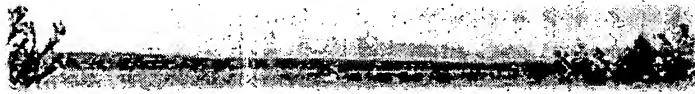
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Can We Talk Trash?

If it's not biodegradable, put it in the trash can, not the toilet, or recycle it.

Stop flushing and start trashing!



It starts with simple changes!

Anything that isn't biodegradable should be put in the trash can instead of the toilet. Or it should be recycled when possible.

The theory goes, if you don't know, don't flush. And if there's plastic in it, definitely don't flush it.

Wastes that belong in the trash can instead of in the toilet include medications, cotton swabs, cotton balls, bandage wrappers, and wipes of any kind (baby wipes or cleaning cloths). Condoms too! They go in the trash. And, disposable diapers and minipads are definite trash items.

You'll also conserve water by not using your toilet as a trash can. Each unnecessary flush of trash uses at least three gallons of water.

Beyond toilets.

Flushing the wrong thing down the toilet can damage your household plumbing, your environment and your wastewater treatment system. But what goes down sinks and other household drains is also a waste issue. The disposal rules for toilets also apply to drains.



Have kids or pets? Put a lid on it!

If you're flushing trash down the toilet to keep it out of the reach of kids or pets, consider a trash can with a lid. The trash cans that open by stepping on a lever are good choices. You can buy them at local hardware stores or kitchen-and-bath stores. That way, if they get knocked over, there's a barrier between the trash and small fingers or busy noses.

Hold it till you get to the can
 The trash can, that is!

"Hi Amanda,
 It's Jennifer.
 Do I have news
 for you..."



"Amanda, you're not going to believe this. Flushing a tampon down the toilet is a bad thing ... a really bad thing!

I just read about this on the Web. According to the sewer experts at King County, tampons can clog toilets or sewer lines, which can end up costing big bucks to get fixed. I've been flushing for years. Who knows if I've caused a mess.

They say it's bad for the environment too. Now, that's something to think about.

I'm serious about this. Tampons go in the trash. The same goes for the wrapper and the applicator. The whole thing goes in the trash. Do you believe that!? How come I never heard this before?



So? What's up with you?"



Can we talk trash
 is available to
 download (297KB,
Adobe Acrobat
 file).

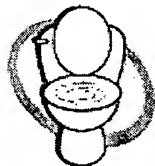
The Trash Can List

If it isn't biodegradable, put it in the trash can instead of the toilet. Or recycle it. These wastes go in the trash:

- tampons
- condoms
- unused medications (place the original containers inside a plastic zip-lock bag before tossing them in the trash)
- cotton swabs
- cotton balls
- bandage wrappers
- wipes of any kind
- disposable diapers
- nursing pads
- mini- or maxi-pads

These common sense facts are brought to you by the sewer experts at the King County Wastewater Treatment Division to protect public health and the environment.

More Information



How to Get Rid of Stuff You Don't Want or Need--recommended methods for disposing of residential and household waste.

Things You Can Do to Protect Your Environment--links to information about things you can do to protect your home and family, the wastewater treatment process, and water quality.

Bert the Salmon's Tips for Saving Water--things you can do to conserve water inside and outside your home.



For questions about the Wastewater Treatment Division Web site, please send an e-mail message. For general information about the division, contact us at:

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Wastewater Treatment Division
201 S. Jackson St., Suite 505
Seattle, WA 98104-3855
Phone: 206-684-1280
Fax: 206-684-1741
Telecommunication device for the deaf (TTY): 711

Related Information:
King County Solid Waste
Division

Local Hazardous Waste
Management Program for
King County

Public Health - Seattle and
King County

Updated: March 9, 2005

Melbourne Water Education

Primary : Sewerage : Bin it Recycle it Don't flush it away

Bin it Recycle it Don't flush it away

What is sewage?

Sewage includes everything that goes down the kitchen, laundry and bathroom sink, as well as what you flush down the toilet.

Most of the waste flows from your home to the Western or Eastern Treatment Plant, where it is treated to make it safe for release back into the environment. A small amount is treated at local treatment plants owned by the three retail water companies. The sewage is treated to environmental standards that are set by EPA Victoria.

The sorts of things you put down your sink or flush down your toilet can have a major effect on the costs of treating the sewage, and consequently, can make it far more expensive for Melbourne Water and the retail water companies to treat sewage to an acceptable standard.

What is effluent?

Effluent is treated sewage. The purpose of sewage treatment is to remove suspended solids, organic matter, nutrients and disease-causing organisms, leaving effluent that is suitable for discharge back into the environment.

What can you do?

You can help protect the environment by keeping many of your household waste items out of the sewerage system.

Most importantly, keep plastics, oils, chemicals, paints and pesticides out of the sewerage system. Such non-biodegradable products cannot be treated by the bacteria that breaks down the rest of the waste. Flushing these products down the toilet or sink makes the treatment process more difficult and more costly. Your retail water company can provide further advice.

Bathroom tips

Hygiene items

Hygiene items such as nappies, tampons and cotton buds are not treatable and are difficult to remove, particularly those containing plastic.

- Never flush nappies, sanitary napkins, tampons, incontinence pads, surgical bandages, cotton buds or condoms down the toilet. Such items commonly cause sewer blockages and can clog up the system at the treatment plants. All of these items should be disposed of in the garbage. You can avoid an expensive blockage by simply putting a bin in your bathroom and toilet.

Pharmaceutical products

- Never flush razor blades, syringes or other non-biodegradable pharmaceutical products down the toilet. Always dispose of these products in the bin. Pharmaceutical products (eg. medicines) should be taken to your chemist for safe disposal.

Kitchen and laundry tips

Fats, oils and food scraps

Avoid putting cooking oil, fats or food scraps down the sink. Fats tend to solidify on cooling, which can lead to fat build-up in the pipes under your home and ultimately cause blockages that are costly to fix. Fat build-ups are a common cause of sewer blockages.

- Instead of pouring fats and oils down the sink, wipe your pots and pans with a paper towel and put the paper towel in the bin. Alternatively, let the oil or fat cool and then spread it evenly over your compost heap.
- Vegetable peelings and other scraps belong in the bin or on the compost. Collect scraps in a container near the sink and dispose of them at the end of the day.
- Buy a sink strainer and save yourself the cost of unblocking your sewer. Empty the strainer into the bin, or add the food scraps to your compost heap.
- Before rinsing your fruit and vegetables in the sink, make sure you remove the brand labels and dispose of them in the rubbish bin. These small, sticky labels are non-biodegradable and cannot be treated by the bacteria that breaks down the rest of the waste.

Detergents

The average household uses three times more detergent than manufacturers recommend for washing dishes and clothes. Many detergents contain phosphate, which can be very harmful to the environment.

- Cut down on the amount of detergent you use – you will help reduce any adverse effects detergents may have on the environment and you will save money on your grocery bill.
- Choose detergents that are phosphate-free.

Garden and garage tips

Paints, pesticides and other hazardous chemicals

Hazardous chemicals used for home and garden maintenance, such as paints and pesticides, can corrode your pipes and damage the environment. These chemicals also pose a health threat to maintenance staff working on sewers.

- Try to use water-based paints whenever possible – they are much less harmful to the environment. For water-based paints, initially paint out brushes or rollers on scrap material or rinse them over the garden.
- If you are using oil-based paints, brushes and rollers should initially be cleaned in turpentine and the paint/turps mixture should be allowed to evaporate down to a sludge for disposal in the bin.
- If you do need to dispose of paints or other chemicals, contact EcoRecycle Victoria (Freecall 1800 353 233 or visit their website at www.ecorecycle.vic.gov.au) for the dates of free household chemical collection days in your area.
- Never pour used motor oil down the sink. Contact your local council or EcoRecycle Victoria to find out safe ways of disposing of used motor oil.

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